



PTO/SB/21 (09-04)

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1642
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/087,190
		Filing Date	February 28, 2002
		First Named Inventor	Pia M. CHALLITA-EID
		Art Unit	1642
		Examiner Name	D. J. Blanchard
Total Number of Pages In This Submission	18	Attorney Docket Number	511582003420

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form in duplicate (2 pages) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 in duplicate (6 pages) 4 references (6 pages) Return Receipt Postcard
<input type="checkbox"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP	(Customer No. 25226)
Signature		
Printed name	Robert K. Cerpa	
Date	December 16, 2004	Reg. No. 39,933

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 16, 2004

Signature: (Kari A. Cruz)



PATENT
Docket No. 511582003420

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/16/04

Date

Kari Cruz

Kari Cruz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Pia M. CHALLITA-EID et al.

Serial No.: 10/087,190

Filing Date: February 28, 2002

For: NUCLEIC ACID AND
CORRESPONDING PROTEIN
ENTITLED 121P1F1 USEFUL IN
TREATMENT AND DETECTION OF
CANCER

Examiner: D. Blanchard

Group Art Unit: 1642

INFORMATION DISCLOSURE

STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents numbered 1-19 and 24-41 were previously submitted in an Information Disclosure

Statement and/or Office Action, directed to the related application Serial Number 09/799,250,

12/22/2004 AWONDAF1 00000042 031952 10087190
01 FC:1806 180.00 DA

filed March 5, 2001, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **511582003420**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 16, 2004

Respectfully submitted,

By: 
Robert K. Cerpa
Registration No. 39,933

Morrison & Foerster LLP
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Palo Alto, California 94304-1018
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DEC 20 2004

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O I P E
PATENT & TRADEMARK OFFICE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	180.00
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Complete if Known	
Application Number	10/087,190
Filing Date	February 28, 2002
First Named Inventor	Pia M. CHALLITA-FID et al.
Examiner Name	D. Blanchard
Art Unit	1642
Attorney Docket No.	511582003420

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s)	<input type="checkbox"/> Credit any overpayments
under 37 CFR 1.16 and 1.17	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Fee (\$)	Small Entity Fee (\$)
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50	25
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Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
17	-77 or HP	0	x 9.00 = 0.00	180.00	0.00

HP + highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
3	-3 or HP	0	x 44.00 = 0.00	180.00	0.00

HP + highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or reaction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement \$180.00 -3 pages

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	39,933	Telephone	650-813-5715
Name (Print/Type)	Robert K. Cerpa			Date	12/16/04

Form PTO-1449

Docket Number 511582003420

Application Number 10/087,190

Applicant

Pia M. CHALLITA-EID et al.

Filing Date February 28, 2002

Group Art Unit 1642

Mailing Date December 16, 2004

DEC 20 2004

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/13/2003	2003/0032087	Challita-Eid et al.			
	2.	07/17/2001	6,262,333	Endege et al.			
	3.	05/27/2003	6,569,662	Tang et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	4.	07/08/1999	WO 99/33982	WIPO			
	5.	08/05/1999	WO 99/38972	WIPO			
	6.	12/16/1999	WO 99/64576	WIPO			
	7.	01/11/2001	WO 01/02568	WIPO			
	8.	04/05/2001	WO 01/22920	WIPO			
	9.	07/26/2001	WO 01/53312	WIPO			
	10.	09/13/2001	WO 01/66753	WIPO			
	11.	10/11/2001	WO 01/75067	WIPO			
	12.	10/24/2002	WO 02/083876	WIPO			
	13.	11/28/2002	WO 02/095009	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	14.	Attwood (2000). <i>Science</i> 290:471-473.
	15.	Burgess et al. (1990). <i>J. Cell Biol.</i> 111:2129-2138.
	16.	Carninci, P. et al. (1999). "High-Efficiency Full-Length cDNA Cloning" Chapter 2 <i>In cDNA Preparation and Characterization - Methods in Enzymology</i> , Weissman, S.M. ed. Academic Press, Inc. 303:19-44.
	17.	Carninci, P. et al. (2000). "Normalization and Subtraction of Cap-Trapper-Selected cDNAs to Prepare Full-Length cDNA Libraries for Rapid Discovery of New Genes," <i>Genome Research</i> 10:1617-1630.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

DEC 20 2004

PATENT & TRADEMARK OFFICE

Docket Number 511582003420	Application Number 10/087,190
Applicant	Pia M. CHALLITA-EID et al.
Filing Date February 28, 2002	Group Art Unit 1642
Mailing Date December 16, 2004	

18.	DGENE Record Accession No. AAX98924 for WO 99/33982, two pages.
19.	DGENE Record Accession No. AAX99020 for WO 99/33982, two pages.
20.	EMBL: Accession No. AAM40043, created on October 21, 2001, European Search Report Reference XP 002297423, two pages
21.	EMBL: Accession No. AYO28916, created on March 30, 2001, European Search Report Reference No. XP002297424, one page
22.	EMBL: Accession No. AAZ80011 created on April 7, 2000, European Search Report Reference No. XP-002297421, one page
23.	EMBL: Accession No. BE513408 created on August 8, 2000, European Search Report Reference No. XP-002297422, two pages
24.	GenBank Accession No. BAB27765 created on April 3, 2004 located at < http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?db=protein&val=12847934 > last visited on November 28, 2004, three pages.
25.	GenBank Accession No. NP_115493 created on October 27, 2004 located at < http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?db=protein&val=14149769 > last visited on November 28, 2004, two pages.
26.	Hubert et al. (1999). <i>Proc. Natl. Acad. Sci. USA</i> 96(25):14523-14528.
27.	Klein et al. (1997). <i>Nat. Med.</i> 3:402.
28.	Lazar et al. (1988). <i>Mol. Cell. Biol.</i> 8:1247-1252.
29.	Lerner, (1982). <i>Nature</i> 299:592-596.
30.	Metzler et al. (1997). <i>Nature Structural Biol.</i> 4:527-531.
31.	Mikayama et al. (1993). <i>PNAS</i> 90:10056-10060.
32.	Ngo et al. (1994). <u>The Protein Folding Problem and Tertiary Structure Prediction</u> Birkhauser: Boston, MA pp. 433, 492-495.
33.	Pinto et al. (1996). <i>Clin. Cancer Res.</i> 2(9):1445-1451.
34.	Reiter et al. (1998). <i>Proc. Natl. Acad. Sci. USA</i> 95:1735.
35.	Shibata, K. et al. (2000). "RIKEN Integrated Sequence Analysis (RISA) System - 384-Format Sequencing Pipeline with 384 Multicapillary Sequencer," <i>Genome Research</i> 10:1757-1771.
36.	Skolnick et al. (2000). <i>Trends in Biotech.</i> 18(1):34-39.
37.	Su et al. (1996). <i>Proc. Natl. Acad. Sci. USA</i> 93:7252.
38.	Supplementary Partial Search Report mailed October 6, 2004, for European Patent Application No. 02723291.7, filed February 28, 2002, 7 pages.
39.	The FANTOM Consortium and the RIKEN Genome Exploration Research Group Phase I & II Team (December 5, 2002). "Analysis of the Mouse Transcriptome Based on Functional Annotation of 60,770 Full-Length cDNAs," <i>Nature</i> 420:563-573.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Docket Number 511582003420	Application Number 10/087,190
		Applicant	Pia M. CHALLITA-EID et al.
		Filing Date February 28, 2002	Group Art Unit 1642
		Mailing Date December 16, 2004	

DEC 20 2004 PATENT & TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE	40.	The RIKEN Genome Exploration Research Group Phase II Team and the FANTOM Consortium (February 8, 2001). "Functional Annotation of a Full-Length Mouse cDNA Collection," <i>Nature</i> 409:685-690.
	41.	Tsubouchi, H. et al. (May 2002). "The Mnd1 Protein Forms a Complex with Hop2 to Promote Homologous Chromosome Pairing and Meiotic Double-Strand Break Repair," <i>Molecular and Cellular Biology</i> 22(9):3078-3088.

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	